



Federal Register

8-5-09

Vol. 74 No. 149

Wednesday

August 5, 2009

Pages 38885-39210



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** www.gpoaccess.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at gpoaccess@gpo.gov. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 74 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 202-741-6005
Assistance with Federal agency subscriptions 202-741-6005

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, September 15, 2009
9:00 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741-6008



Contents

Federal Register

Vol. 74, No. 149

Wednesday, August 5, 2009

Agriculture Department

See Food and Nutrition Service

Air Force Department

NOTICES

Performance Review Board; Names of Members, 39065

Census Bureau

RULES

Foreign Trade Regulations (FTR):
Eliminate the Social Security Number (SSN) as an identification number in the Automated Export System (AES), 38914–38916

Centers for Medicare & Medicaid Services

PROPOSED RULES

Medicare Program:
Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2010; Correction, 39032

Children and Families Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39077–39078

Coast Guard

RULES

Safety Zones:
Sea World Labor Day Fireworks, Mission Bay, San Diego, CA, 38916–38918
USCG Barque Eagle transits of Rockland Harbor, ME, Portland Harbor, ME and Portsmouth Harbor, NH, 38918–38921

NOTICES

Meetings:
Chemical Transportation Advisory Committee, 39090–39091

Commerce Department

See Census Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements

NOTICES

Determination Under the African Growth and Opportunity Act, 39040

Defense Acquisition Regulations System

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39064–39065

Defense Department

See Air Force Department

See Defense Acquisition Regulations System

Education Department

NOTICES

Applications for New Awards for Fiscal Year (FY) 2009: Charter Schools Program Grants to Non-State Educational Agencies for Planning, Program Design, etc.; Correction, 39065–39066

Employment and Training Administration

PROPOSED RULES

Trade Adjustment Assistance:
Merit Staffing of State Administration and Allocation of Training Funds to States, 39198–39209

NOTICES

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance, etc.:
Performance Fibers Operations, Inc., Salisbury Plant, Salisbury, NC, 39106
Personnel Management, Inc., 39105–39106
Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance:
Umicore Autocat USA Inc., Catoosa, OK, 39106
Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance, 39106–39115
Revised Determinations on Reconsideration:
Cerro Flow Products Inc., Sauget, IL, 39115
Termination of Investigations:
American Roller Bearing, Hiddenite, NC, 39115
Fairchild Semiconductor, Signal Path Organization, South Portland, ME, 39115–39116

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Renewal of the Basic Energy Sciences Advisory Committee, 39066

Environmental Protection Agency

RULES

Exemption from the Requirement of a Tolerance:
Alkyl Alcohol Alkoxylates, 38935–38945
Amine Salts of Alkyl Benzenesulfonic Acid, 38924–38935
Methyl Poly (Oxyethylene) Alkylammonium Chlorides, 38956–38962
Polyoxyethylene polyoxypropylene mono(di-sec-butylphenyl) ether, 38945–38952
Sodium Alkyl Naphthalenesulfonate, 38962–38970
Sodium and Ammonium Naphthalenesulfonate Formaldehyde Condensates, 38952–38956
Temporary Exemption From the Requirement of a Tolerance:
Pasteuria Usgae, 38970–38974

PROPOSED RULES

Approval and Promulgation of Maintenance Plan for Carbon Monoxide:
Tucson Air Planning Area, Arizona, 39007–39013
National Emission Standards for Hazardous Air Pollutants for Area Sources:
Chemical Preparations Industry, 39013–39031
Product Noise Labeling:
Hearing Protection Devices, 39150–39196

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39072–39075

Meetings:

Two Public Teleconferences of the Chartered Science Advisory Board: Additional Information, 39075–39076

Executive Office of the President

See Presidential Documents

Federal Aviation Administration**RULES****Airworthiness Directives:**

Agusta S.p.A. Model AB139 and AW139 Helicopters, 38899–38901
 BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes, 38912–38914
 Boeing Model 737 100, 200, 200C, 300, 400, and 500 Series Airplanes, 38901–38903
 Boeing Model 767 Airplanes, 38905–38910
 Fokker Model F.27 Mark 050 Airplanes, 38910–38912
 Pilatus Aircraft Limited Model PC–7 Airplanes, 38894–38895
 SOCATA Model TBM 700 Airplanes, 38903–38905
 Teledyne Continental Motors (TCM) IO–520, TSIO–520, and IO–550 Series Reciprocating Engines, etc., 38896–38899

PROPOSED RULES**Airworthiness Directives:**

Boeing Model 737–600, –700, –700C, –800 and –900 Series Airplanes, 38988–38991
 Boeing Model 747 100, 747 100B, 747 100B SUD, etc., 38995–38998
 Bombardier Model CL 600 1A11 (CL 600), CL 600 2A12 (CL 601), CL–600 2B16 (CL 601 3A) Airplanes, 38999–39001
 Bombardier Model CL 600 2C10 (Regional Jet Series 700, 701 & 702) Airplanes, etc., 38993–38995
 Piaggio Aero Industries S.P.A Model Piaggio P–180 Airplanes, 38991–38993

Proposed Establishment of Class E Airspace:

Eastsound, WA, 39001–39002

Proposed Modification of Class E Airspace:

Pueblo, CO, 39002–39003

NOTICES

Full Electronic Distribution of Airworthiness Directives, 39135–39136

Federal Emergency Management Agency**NOTICES****Meetings:**

Federal Radiological Preparedness Coordinating Committee, 39090

Federal Energy Regulatory Commission**NOTICES****Applications:**

McGinnis, Inc., 39069–39070
 Pacific Gas and Electric Co., 39066–39069

Environmental Assessment; Availability, etc.:

Midcontinent Express Pipeline, LLC, 39070–39071

Filings:

Bonneville Power Administration, 39071

Rate Election:

Corning Natural Gas Co., 39071–39072

Federal Highway Administration**NOTICES**

Value Pricing Pilot Program Participation, Fiscal Years 2009 and 2010, 39138–39143

Federal Maritime Commission**NOTICES**

Agreements Filed, 39076–39077

Federal Railroad Administration**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39133–39135
 Petition for Waiver of Compliance, 39136

Federal Reserve System**NOTICES**

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 39076

Food and Nutrition Service**RULES**

Marketing and Sale of Fluid Milk in Schools, 38889–38890

General Accountability Office**NOTICES**

Medicaid and CHIP Payment and Access Commission Nominations, 39077

Geological Survey**NOTICES****Meetings:**

Announcement of National Geospatial Advisory Committee, 39099

Health and Human Services Department

See Centers for Medicare & Medicaid Services

See Children and Families Administration

See National Institutes of Health

See Substance Abuse and Mental Health Services Administration

Homeland Security Department

See Coast Guard

See Federal Emergency Management Agency

See U.S. Citizenship and Immigration Services

See U.S. Immigration and Customs Enforcement

RULES

Privacy Act; Systems of Records, 38887–38889

NOTICES

Privacy Act; Systems of Records, 39083–39087

Housing and Urban Development Department**NOTICES**

Funding Awards for the Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans (Fiscal Year 2008), 39091–39092

Interior Department

See Geological Survey

See Land Management Bureau

See National Park Service

Internal Revenue Service**PROPOSED RULES**

Amendments to the Regulations Regarding Questions and Answers Relating to Church Tax Inquiries and Examinations, 39003–39007

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39143–39145

International Trade Administration**NOTICES**

Antidumping:

- Certain Frozen Warmwater Shrimp from Thailand, 39042–39045
- Certain Hot-Rolled Carbon Steel Flat Products from Thailand, 39047–39054
- Fresh and Chilled Atlantic Salmon from Norway, 39045–39047
- Purified Carboxymethylcellulose from Mexico, 39054–39055
- Stainless Steel Sheet and Strip in Coils from Taiwan, 39055–39062
- Welded ASTM A–312 Stainless Steel Pipe from the Republic of Korea, 39045

Countervailing Duties:

- Welded Carbon Steel Standard Pipe and Tube From Turkey, 39062–39063

International Trade Commission**NOTICES**

Meetings; Sunshine Act, 39104–39105

Justice Department**NOTICES**

Consent Decree:

- United States of America & State of Louisiana v. City of St. Martinville, 39105

Labor Department

See Employment and Training Administration

Land Management Bureau**NOTICES**

- Alaska Native Claims Selection, 39092–39094
- Conveyance of Public Lands for a Public Heliport Facility: Clark County, NV, 39094–39095
- Intent to Collect Fees on Public Land: Grand County, UT, Moab Field Office Under the Federal Lands Recreation Enhancement Act, 39097–39098
- Meetings:
 - Dakotas Resource Advisory Council, 39098–39099
 - Utah's Resource Advisory Council (RAC), 39098
- Proposed Reinstatement of Terminated Oil and Gas Lease, Arkansas, 39099
- Proposed Supplementary Rules for Public Lands in Colorado:
 - North Fruita Desert Management Area, 39100–39102
- Temporary Closures and Prohibitions of Certain Activities on Public Lands:
 - Pershing County, NV, 39102–39104

Maritime Administration**NOTICES**

Preparation of Supplemental Environmental Impact Statement:

- TORP Terminal LP, Bienville Offshore Energy Terminal Liquefied Natural Gas Deepwater Port License Application Amendment, 39136–39138

National Highway Traffic Safety Administration**RULES**

Requirements and Procedures for Consumer Assistance to Recycle and Save Program, 38974–38985

NOTICES

E–911 Grant Program, 39135

National Institutes of Health**NOTICES**

Meetings:

- Center for Scientific Review, 39081
 - Eunice Kennedy Shriver National Institute of Child Health and Human Development, 39082
 - National Institute of General Medical Sciences, 39082–39083
 - National Institute on Drug Abuse, 39080–39081
- Request for Information:
- National Institute of Mental Health, 39083

National Oceanic and Atmospheric Administration**RULES**

Fisheries of the Exclusive Economic Zone Off Alaska:

- Other Rockfish in the Western Regulatory Area of the Gulf of Alaska, 38985
- Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska, 38985–38986

PROPOSED RULES

Atlantic Highly Migratory Species:

- North and South Atlantic Swordfish Quotas, 39032–39039

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39040–39042

Environmental Impact Statements; Availability, etc.:

- Mid-Atlantic Fishery Management Council, 39063

Meetings:

- Atlantic Highly Migratory Species Advisory Panel, 39063–39064

National Park Service**NOTICES**

Environmental Impact Statements; Availability, etc.:

- Biscayne National Park, FL, 39095–39097

Nuclear Regulatory Commission**RULES**

Industry Codes and Standards; Amended Requirements, 38890–38894

PROPOSED RULES

Industry Codes and Standards; Amended Requirements, 38987–38988

NOTICES

Environmental Impact Statements; Availability, etc.:

- Uranerz Energy Corporation; Nichols Ranch In-Situ Recovery Project, 39116–39117

Publication of Draft Revision 2, NUREG–1520, etc., 39117–39118

Overseas Private Investment Corporation**NOTICES**

Meetings; Sunshine Act, 39118

Personnel Management Office**NOTICES**

Excepted Service, 39118–39121

Postal Regulatory Commission**RULES**

Express Mail and Priority Mail Contract, 38921–38924

NOTICES

Priority Mail, 39121–39122

Priority Mail Contract, 39122–39124

Presidential Documents**ADMINISTRATIVE ORDERS**

Human Stem Cell Research; Guidelines (Memorandum of July 30, 2009), 38885–38886

Securities and Exchange Commission**NOTICES**

Self-Regulatory Organizations; Proposed Rule Changes: New York Stock Exchange LLC, 39124–39128
NYSE Amex LLC, 39128–39132

State Department**NOTICES**

Waiver of Restriction on Assistance to the Central Government of Tajikistan, 39132–39133

Substance Abuse and Mental Health Services Administration**NOTICES**

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies, 39078–39080

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile Agreements

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Federal Railroad Administration

See Maritime Administration

See National Highway Traffic Safety Administration

NOTICES

Applications Under Subpart B for the Week Ending July 18, 2009, 39133

Aviation Proceedings, Agreements filed the week ending July 25, 2009, 39133

Treasury Department

See Internal Revenue Service

U.S. Citizenship and Immigration Services**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39088–39090

U.S. Immigration and Customs Enforcement**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39087–39088

U.S.–China Economic and Security Review Commission**NOTICES**

Meetings:

Annual Report to Congress, 39145–39146

Veterans Affairs Department**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 39146–39147

Separate Parts In This Issue**Part II**

Environmental Protection Agency, 39150–39196

Part III

Labor Department, Employment and Training Administration, 39198–39209

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Administrative Orders:****Memorandums:****Memorandum of July**

30, 200938885

6 CFR

538887

7 CFR

21038889

10 CFR

5038890

Proposed Rules:

5038987

14 CFR

39 (8 documents)38894,
38896, 38899, 38901, 38903,
38905, 38910, 38912

Proposed Rules:

39 (5 documents)38988,

38991, 38993, 38995, 38999

71 (2 documents)39001,
39002

15 CFR

3038914

20 CFR**Proposed Rules:**

61839198

26 CFR**Proposed Rules:**

30139003

33 CFR

165 (2 documents)38916,
38918

39 CFR

302038921

40 CFR

180 (7 documents)38924,
38935, 38945, 38952, 38956,
38962, 38970

Proposed Rules:

5239007

6339013

21139150

42 CFR**Proposed Rules:**

41039032

41139032

41439032

41539032

48539032

49 CFR

59938974

50 CFR

679 (2 documents)38985

Proposed Rules:

30039032

63539032